

MELINDA L. HAAG, CSBN 132612
 United States Attorney
 LUCILLE GONZALES MEIS, SBN CO 15153
 Regional Chief Counsel, Region IX,
 Social Security Administration
 ELIZABETH FIRER, SBN WI 1034148
 Special Assistant United States Attorney

333 Market Street, Suite 1500
 San Francisco, California 94105
 Telephone: (415) 977-8937
 Facsimile: (415) 744-0134
 Email: Elizabeth.Firer@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MARIA CALAMATEOS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
 Commissioner of
 Social Security,

Defendant.

CIVIL NO. C10-02900 LHK

STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act, (EAJA) in the amount of ONE THOUSAND DOLLARS (\$1000.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d). Additionally, the Commissioner is waiving the time requirement for filing an EAJA application in this case based on factors specific to this case only. This agreement should not be construed as a general waiver of timeliness.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of

1 the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the Government will
 2 determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but
 3 if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the Government
 4 shall cause the payment of fees, expenses and costs to be made directly to Harvey P. Sackett, pursuant to
 5 the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
 7 and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA.
 8 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that
 9 Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with
 10 this action.

11 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
 12 attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

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 14 Dated: June 10, 2011

/s/ Harvey P. Sackett
(As authorized via email)
 HARVEY P. SACKETT
 Sackett and Associates
 1055 Lincoln Avenue
 P.O. Box 5025
 San Jose, CA 95150-5025
 Attorney for Plaintiff

MELINDA L. HAAG
 United States Attorney

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 20 Dated: June 10, 2011

By:

/s/ Elizabeth Firer
 ELIZABETH FIRER
 Special Assistant United States Attorney

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 22 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in
 23 the amount of ONE THOUSAND DOLLARS (\$1000.00), as authorized by 28 U.S.C. § 2412(d), subject
 24 to the terms of the above referenced Stipulation.

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 26 Dated: June 15, 2011


 LUCY H. KOH
 United States District Judge